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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000737

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TAGS: [PREF PHUM PREL TH LA](#)
SUBJECT: MIXED SIGNALS ON HMONG REPATRIATIONS

REF: A. 07 VIENTIANE 205 (21 HMONG GIRLS)

[1](#)B. 07 BANGKOK 596 (THAIS MOVE TO DEPORT HMONG)

Classified By: DCM James F. Entwistle, reason 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: The Thai MFA provided a read-out on the February visits to Laos by the Thai Foreign Minister and Prime Minister. According to the Thai side, the Lao showed some flexibility on the ultimate solution to the problem posed by some 7800 Lao-Hmong illegally in Thailand, currently in a camp in Petchaboon province. Lao officials indicated that they would not insist on the return of Hmong who did not want to come back to Laos. The Thai MFA believed the Lao could, ultimately, tacitly accept some third country resettlement of this group. The MFA found less flexibility so far on the group of Lao-Hmong in immigration detention in Nong Khai. The Lao and Thai hope to make further progress on this issue before the March 31 meeting in Vientiane of the military-led bilateral General Border Commission, which has the lead on resolving the problem. The Lao side hoped that the repatriation of the group could be completed before the end of this year. We reiterated US concerns about the repatriation of individuals who could face mistreatment if returned to Laos. END SUMMARY

[1](#)2. (C) MFA Director for Southeast Asia Kallayana Vipattipumiprates gave us a readout on March 5 of the recent visits by Foreign Minister Noppadon and Prime Minister Samak to Lao PDR. The Foreign Minister visited Laos with the Prime Minister on February 29, following up on his solo visit the week before. In both visits, the issue of the Lao-Hmong who illegally entered Thailand was the most important issue discussed. Kallayana said that the Lao and the Thai agreed that the General Border Commission (GBC), headed by the military on both sides, would carry on further discussions on the issue. PM Samak, in his role as Defense Minister, would head up the Thai side at a GBC meeting in Vientiane on March 31. "Whatever the GBC decides will be the policy," Kallayana said. He indicated that they were hoping for significant progress on working out the remaining issues by the time of that meeting.

LAO MAY NOT INSIST ON RETURN OF ALL HMONG

[1](#)3. (C) Kallayana divided the problem into two categories. For the approximately 8000 Lao-Hmong at Petchaboon, he said that the Lao side showed some encouraging flexibility. Although third country resettlement was not directly discussed in the meetings, on the sidelines Kallayana spoke with Lao MFA spokesman Yong Chantalongsy, who said that

Laos would not insist on the return to Laos of Hmong from Petchaboon who do not want to come back. At the same time, Kallayana reported, Yong said that the Lao government would never say directly that any of this group could stay in Thailand. Kallayana interpreted this to mean that the Lao would not publicly agree to anything but the return of their citizens, but would probably also not really object if some of the Petchaboon Hmong stayed in Thailand or subsequently went to third countries.

14. (C) The group in Nong Khai is, however, different, according to Kallayana. (Note: The Nong Khai detainees have been recognized by UNHCR as refugees, and several of them are well-known for their role in publicizing alleged abuses against Hmong by the Lao government. End note.) The Thai side had asked the Lao to be more flexible about this group as well. The Thai had even proposed resolving these cases first. However, in the Foreign Ministers' meeting, the Lao side had said that issues regarding this group "had to go to a higher authority." Kallayana said that the Thais were trying to come up with some option for the Nong Khai group that would satisfy the Lao, but they weren't sure what "the bottom line" for the GoL was, and therefore were not sure what might work. The GoL appeared to want to have some more significant role in the eventual disposition of this group, he said. The Thai were at this point brainstorming on ideas that might satisfy the Lao, one of which was the proposal that the group would return to Laos first, and then depart for whatever third-country resettlement was possible.

INTERNATIONAL CONCERNS OVER REPATRIATION PLANS

15. (C) We warned Kallayana that there were some serious
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problems with that proposal. First, resettlement countries might not be able to work with this arrangement for a variety of legal or administrative reasons. Perhaps more serious, the group in Nong Khai was unlikely to cooperate in any return to Laos -- or, indeed, in any move from their current location -- if they did not have faith that they were not being sent back to Laos to face an uncertain future. The group, we have been told, lives in a constant state of apprehension that they will imminently be returned, and any attempt to do so will likely spark that same reaction that thwarted the attempted deportation in early 2007 (when the group barricaded themselves in their cells and successfully held off Lao and Thai authorities who attempted to repatriate them.) We reminded Kallayana that Thailand would bear the brunt of the international blame if there were another incident like that one. We also reminded him of the treatment of the deported Hmong girls, who were missing for over a year after they were sent back to Laos in 2005 and some of whom subsequently reported physical and sexual abuse while in detention in Laos. This case lent credence to the fear of some Hmong detainees about their treatment if they were returned. We urged Kallayana to think carefully through any plan, and to consider seeking someone trusted by the Hmong detainees to work with them when the time came to move them from Nong Khai IDC, regardless of where they were going. Kallayana acknowledged these points, but admitted that he had not so far come up with another likely alternative.

16. (C) The Lao and Thai sides had discussed the practical issues surrounding the deportations, Kallayana reported. The Lao side said they could take back 200-250 at a time. They hoped to have the entire population repatriated by the end of the year. The Thai side continued to press the Lao to permit some kind of international monitoring of the returnees; they pointed to the Lao invitation to Vientiane-based ambassadors to visit one of the resettlement villages this month as a positive step, but recognized that it fell somewhat short. We took the

opportunity to emphasize again that it was important for the Thai screening process to meet international standards and ensure that no one with a well-founded fear of persecution was returned. We also reiterated our concern over the conditions in which the 150-plus Hmong in Nong Khai were held, asking again that the RTG take steps to address this urgent humanitarian situation.

¶7. (C) On the deportation of the 11 Hmong last week, we noted concerns that some of the group may not have departed voluntarily. Kallayana emphasized that the MFA had gotten strong assurances from the military officials handling the deportations that all of the individuals had left voluntarily. Kallayana said that he had checked with military officials shortly before the group was sent across the border. He acknowledged that, in the period leading up to the deportation, some of them might have been of two minds, but officials on the scene told him that all 11 had said they agreed to return before they were sent back on Feb 128. We reiterated our concerns, and noted that, in the absence of a more transparent process, neither of us could be completely certain of what had happened.

CAN THE US RESETTLE THE HMONG?

¶8. (C) Kallayana asked, if the Lao and the Thai ultimately had no objections to third country resettlement, could the US guarantee it would take the Hmong as refugees? We explained that we could not make any guarantee in advance to take any individual, as each case had to be considered based on whether they were refugees under US law and were otherwise admissible to the US. However, we did point out that new legislation passed late last year appeared to address some of the problems that had affected Hmong and other groups, inadvertently caught up in our anti-terrorism legislation. We did not have guidance on the new procedures we would be using yet, but we hoped to have this information soon, and would provide them with more information as soon as possible.

COMMENT

¶9. (C) The Foreign Ministries on both sides of the Mekong appear to be groping for a satisfactory solution for the majority of the Hmong would-be refugees in Thailand. On the Thai side, the military, which has the lead on the issue in the General Border Committee, is inclined to take

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a harder line than MFA. The military sees the influx of illegal migrants crossing all its borders as a threat to security. Repeated statements by both sides about not forcing returns are encouraging; the more negative comments about the Nong Khai group are troublesome. We will continue to raise these issues with appropriate Thai officials.

JOHN